

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

MATTHEW M.L. MCCAIN,

Plaintiff,

v.

RICHARD W. HARRINGTON, *et al.*,

Defendants.

Case No. 13-cv-300-JPG-PMF

MEMORANDUM AND ORDER

This matter comes before the Court on the Report and Recommendation (“Report”) (Doc. 119) of Magistrate Judge Philip M. Frazier recommending that the Court deny plaintiff Matthew M.L. McCain’s third and fourth motions for a temporary restraining order and preliminary injunction (Docs. 110 & 117) forcing someone connected with the law library at Menard Correctional Center to replenish his legal supplies and allow him access to library services. Magistrate Judge Frazier noted that the motions request relief from non-parties and that McCain has not shown a likelihood of success on the failure to protect claims in this suit, a lack of anadequate remedy at law or irreparable harm if injunctive relief is not granted (he has been given an extension of time to compensate for his limited access to writing materials and the library). Finally, Magistrate Judge Frazier found the public interest would not be served by an injunction.

McCain has objected to the Report (Doc. 120). He says his motion is not about legal supplies but is about the animosity that non-parties in the library feel toward him that he believes resulted in his placement in segregation after an unfair disciplinary hearing.

The defendants have responded to McCain’s objection urging the Court to adopt the Report (Doc. 121).

The Court may accept, reject or modify, in whole or in part, the findings or recommendations of the magistrate judge in a report and recommendation. Fed. R. Civ. P.

72(b)(3). The Court must review *de novo* the portions of the report to which objections are made. *Id.* “If no objection or only partial objection is made, the district court judge reviews those unobjected portions for clear error.” *Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 739 (7th Cir. 1999).

The Court has reviewed the matter *de novo* and agrees with the Report for the reasons stated therein. The alleged wrongs in McCain’s motions for injunctive relief are different from the alleged wrongs McCain raises of in his complaint. If McCain wants to bring those new issues before the Court, he should exhaust his administrative remedies and file a new lawsuit. As for the issues in this case, McCain has not satisfied the requirements for injunctive relief.

For the foregoing reasons, the Court:

- **ADOPTS** the Report in its entirety (Doc. 119);
- **OVERRULES** McCain’s objections (Doc. 120); and
- **DENIES** McCain’s motions for a temporary restraining order and preliminary injunction (Docs. 110 & 117).

IT IS SO ORDERED.

DATED: June 8, 2015

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE